IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Bail Appl..No. 2058 of 2007()

(CRIME NO.47/2007 OF PERUVANTHANAM POLICE STATION)

PETITIONER/ACCUSED.

K.K.BALAKRISHNAN, S/O. KUNJUKUNJU,
KUNNEL VEETIL, VEMBILI KARA, KOKKAYAR VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENTS: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 2058 OF 2007 B

Dated this the 4th day of April, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the accused in Crime No.47/07 of Peruvanthanam Police Station for offences punishable under Secs.55(a) and 55(i) of the Abkari Act for allegedly having been found in possession of 3.060 liters of IMFL in 4 bottles in his residential house on 28.3.07 and who was arrested on the same day, seeks his enlargement on bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the IMFL was meant for sale which is fortified by the fact that the empty bottles of liquor and one glass tumbler were also found near the seized bottles.

3. That is not a circumstance from which an intention to sell can legitimately be inferred particularly when the quantity was only 60 ml. in excess of the permissible quantity for IMFL. Considering these facts, I am inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Peerumedu and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

c. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

d. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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